



# MANCHESTER-BY-THE-SEA

CONSERVATION COMMISSION • TOWN HALL  
Manchester-by-the-Sea, Massachusetts 01944-1399  
Telephone (978) 526-4397 FAX (978) 526-2001

## Conservation Commission Meeting

May 22, 2018

Town Hall, Room 5 ♦ 6:30 PM

## MINUTES

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### I. Call to Order

**Members Present:** Joe Puopolo, David Lumsden, Steve Gang, Sari Oseasohn, Steve Jaworski, and Conservation Agent, Chris Bertoni.

**Members Absent:** Olga Hayes

Conservation Chairman Mr. Gang opened the meeting at 6:32 pm under the Wetlands Protection Act and Town by-law. He announced that it was being recorded by the Commission.

### II. Request for De Minimis Changes

**59 Forest Street, Stephanie Rogers – Repair/rehab existing decks, install a spa, various minor improvements and landscaping.**

New

DEP File #39-0752

Bill Manuell, Wetlands & Land Management, presented. An Order of Conditions had been issued for landscape and hardscape work and that is well underway. The pool has been resurfaced, the deck removed, the terrace was built, the pervious patio and fire pit have all been installed. The mitigation planting have been in about a year. After winter storm damage there were hazardous trees removed (approved by Ms. Bertoni). There is some additional cleanup work that needs to be done. The old fountain that was left has stones crumbling and they would like it removed. They would like to add more vegetation behind the garage. There is a grassy area that leads to a raspberry patch and they would like to maintain it as lawn/path to raspberry patch. Along the driveway that goes to the homes out back, there was privacy screening damaged during storm so they would like to revegetate that area. There is a large willow trunk that they would like to remove and clean up using a mini excavator. They would like to remove invasives and plant natives in this area also using a mini excavator. The stone wall along Forest Street has invasives (Bittersweet) that they would like to remove. Mr. Gang is concerned with the scope of the project. He would like a planting plan for additional changes. Ms. Oseasohn is concerned with the lawn area. She would just like the path mowed, not the whole area. Ms. Bertoni did a site visit and is comfortable with the project, considering the buffer location and invasives. Mr. Manuell will give to Ms. Bertoni dimensions on the grass, a planting plan, and the extent of the invasives before work proceeds.

**Vote:** To issue a De Minimis Change with conditions.

Motion: Ms. Oseasohn

Second: Mr. Gang

Actual Vote: 5-0

**1 Beaver Dam Road, Timothy M. Brady, Trustee of Iron Rails Nominee Trust – Construction of two-story retail building with parking, drainage systems, landscaping.**

New

DEP File #39-0662

Ms. Bertoni presented for the landscaper. Tom Parsons, landscaper, had contacted Ms. Bertoni. He is currently finishing up the rain gardens at Beaver Dam Road. The structure is in, it is functioning, and it drains well after a storm. Due to not being able to get certain plants, he has made changes in the plant species. Ms. Bertoni mentions the substitutions are reasonable. The Commissioners think it looks good. The Order of Conditions just recently expired. Ms. Bertoni will issue a letter permit so that the substitutions may be planted.

### **III. Request for Certificates of Compliance**

#### **7 & 11 Norton's Point Road , William Meaney, TRS, Verbier Realty Trust – new addition & site improvements**

Continued from 12/19/17, 1/16/18. Continued to 5/22/18

**DEP File #39-0695**

Mike DeRosa of DeRosa Environmental presented. The two areas of concern have been cleaned up of landscape yard waste near the garden area and construction debris in buffer zone. Ms. Bertoni did a site visit and shared photos with the Commissioners of the area. A garden area will be planted. Michelle Vaillancourt of MECT had no issues except debris near the tennis court. The site is stable.

**Vote:** To issue a Certificate of Compliance with 7 perpetual conditions.

Motion: Mr. Gang

Second: Mr. Jaworski

Actual Vote: 5-0

#### **31 Smith's Point Road, Ellen Cross – deck addition**

Continued from 12/19/17, 1/16/18. Continued to 5/22/18

**DEP File #39-0754**

Kyle Lally of Hancock Associates presented. An Order of Conditions was granted for a deck addition on to a house. It is 8 sq. feet of disturbance consisting of 2 cement footers. It was built as proposed. Where an existing roof drain surfaced in the lawn area, a small erosion area below was stabilized with stone to reduce velocity. Ms. Bertoni did a site visit with Mr. Lally and everything looked stable. There was tree removed this winter (due to damage) and the homeowners plan to replace it with another Elm.

**Vote:** To issue a Certificate of Compliance with 4 perpetual conditions.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

#### **63 Old Essex Road, Brendan & Jessica Tully – residential addition & renovation.**

New

**DEP File #39-0459**

Ms. Bertoni presented on behalf of the owners. She had done a site visit and shared photos with the Commissioners. There are two changes: 1(out of 4) sonotube is within the 50' No Build Zone and 2 additional unpermitted steps were installed. There is a 2' X 3' landing that is impervious (poured concrete). The steps are wooden. These steps are on the approved building plan but not on the plan for Conservation. The site is stable with no issues. The Commissioners see no real issues.

**Vote:** To issue a Certificate of Compliance with perpetual conditions.

Motion: Mr. Gang

Second: Mr. Jaworski

Actual Vote: 5-0

### **IV. Recess for Public Hearings under Wetlands Protection Act and Local Wetlands By-Law** (Mr. Gang)

### **V. Request for Determination of Applicability**

**31 Smith's Point Road, William R. & Ellen H. Cross – seawall repair**

New

**2018-0006**

Ms. Bertoni presented on behalf of the owner. This is a seawall repair that did not qualify under Emergency Declaration. There is access from the land side and work will be done by hand and without significant impact by machinery. Ms. Bertoni did a site visit. It is similar to repairs in 2015. This is a preventative/maintenance action. Work will be done by hand.

**Vote:** To issue a Negative #2 and Negative #3 Determination of Applicability with conditions.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

**16 Butler Avenue, Kaitlyn & Michael Dainton – addition to existing structures**

New

**2018-0007**

Andrew Crocker of Andrew Crocker Architects presented. The project is an addition to an existing house. This is a 1300 sq. foot house and they would like to add a 2-story addition which will consist of a family room, kitchen, bathroom and master bedroom. It is in the flood zone and there is no basement. The septic tank (installed 2009) is very close to the addition so therefore he plans to put a full foundation wall in front, a frost wall on the sides and near the septic tank pre-cast concrete piers within the 10' setback. He has consulted with the Board of Health and has received a verbal confirmation that it is acceptable. The barn currently has no rainwater control so he is proposing a rainwater collection system of down spouts and gutters draining to a new dry well. Below the building will be gravel. There are wetlands on the property but there is no new delineation. A 2005 letter from Mary Rimmer indicates the barn is outside the 50' buffer to wetlands. The impact is low for sonotubes and foundation. The gravel increases filtration. The Building Inspector sees no issues. Mr. Crocker feels this is a net gain. Mr. Gang questions whether or not this should be a Notice of Intent. He feels uncertain as to where the 100-foot buffer to Bordering Vegetated Wetlands (BVW) is located. The Commissioners request to have the closest point of BVW to the addition identified and more calculations regarding stormwater drainage. Ms. Bertoni would like to add the final result of Ms. Rimmer's flagging to the plan.

**Vote:** To continue the matter to the 6/12 meeting.

Motion: Mr. Gang

Second: Mr. Jaworski

Actual Vote: 5-0

**VI. Notices of Intent**

**12 Jersey Lane, Miles & Audrey Allen – New addition & site improvements**

Continued from 4/10/18 (no discussion on 5/1/18)

**DEP File #39-0775**

Mike DeRosa of DeRosa Environmental presented. Mr. DeRosa had recalculated the numbers for Ms. Bertoni and describes changes made to the site plan. The total square footage of invasive species removal at the whole site is 3,700 square feet. The restoration in the buffer zone is 16,500 square feet of new native plantings. There is impervious area under the deck (corrugated roofing material) not previously permitted now shown on the plan. Gravel drip trenches were added to help with infiltration of the water there (this is a change). Additional plantings were added for screening to northern abutter. At grade there is a step stone path to get to the bottom and a few steps were added. One wetland flag (A7) was moved 2'. There is a change in the planting plan to the abutter to the south. The plan is to keep the privet hedge and plant Fringe trees behind it. Once the trees are established see if it is ok to remove the privet. Regarding the driveway, the pavement is going to stay so the owners can get out. The utility pole is going to stay. Keeping the existing curb-cut in place. Regarding the graded totals there is a net increase in total impervious area of 459 sq. feet. Everything was moved back. 27 (invasive) trees were removed but the plan is to plant many native species. On a procedural

note the DEP wants any restoration work to go under Appendix A (Ecological Restoration Project). Mr. DeRosa did not file under Appendix A. Cleanup of the wetlands has been included in the Notice of Intent (NOI). There is 2,500 sq. feet of invasive removal in the Buffer to Vegetative Wetlands (BVW). Mr. DeRosa feels this is an improvement and a temporary impact to the resource. Ms. Bertoni did not find work in the wetlands in the NOI. It is suggested that the BVW work be removed from this NOI and file a second NOI for this work. Or this NOI can be amended. Ms. Bertoni voiced concern from the abutter to the south regarding the Privet.

**Vote:** To close the hearing with elimination of work in BVW with expectation of new filing for work in the wetland.

Motion: Mr. Gang

Second: Mr. Jaworski

Actual Vote: 5-0

### **50 Proctor Street, Sandy Hollow R.E. Trust, Robert Crocker – landscape grading**

New

**DEP File #39-0781**

Andrew Crocker of Andrew Crocker Architects presented. The project is to re-grade the lawn and add new sod. In 2013 the septic system was upgraded and it is a mound because they had to raise it above existing grade of lawn due to water issues. There are grass issues (installation not done very well) and the area next to septic could be coastal dune. He would like to raise the grade of the lawn as much as the septic as it would seem to be more natural. About 450 cubic yards of fill (top soil and hydroseed) will be added. Ms. Bertoni had done a site walk with Mr. Crocker. The Commissioners would like a site walk with flagging of resource area. A site walk is planned for Wednesday, May 30<sup>th</sup> at 5:00 p.m.

**Vote:** To continue the matter to the 6/12/18 meeting.

Motion: Mr. Gang

Second: Mr. Jaworski

Actual Vote: 5-0

### **56 Masconomo Street, Paul & Lauren Gudonis – boulder retaining wall repair**

New

**DEP File #39-0780**

Ms. Bertoni informed the Commissioners that this filing needed to be continued to the next meeting due to a typo in the hearing notice.

**Vote:** To continue the matter to the 6/12/18 meeting.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

### **21 Loading Place Road, Eric Magnuson – driveway reconfiguration**

New

**DEP File #39-0779**

Evan Guerin and Mike DeRosa of DeRosa Environmental presented. This project is reconfiguring an existing driveway within the 200' Riverfront. The existing driveway has sharp turns. The proposed driveway is smoother and more aesthetic. The new configuration makes it easier to move cars and better turning radius. It will be an increase of 263' of impervious. A portion of which will be gravel. To mitigate there is an extensive restoration plan on one side. There will be 5,159 sq. feet of converting lawn into a fern glen and native plantings. This is designed by Matt Erlich, landscape architect. Comments from the DEP were that they wanted alternative analysis for a smaller driveway. Mr. Jaworski also feels the alternative analysis needs to be redone. Mr. Gang wonders if the design could be smaller with smaller mitigation. Concern is raised regarding the impact in the Riverfront area and the calculations associated with it. John Morin of Morin-Cameron Group calculated the numbers. Ms. Bertoni does not see the numbers associated with the buffers and resources on the plan. The Commissioners would like a site visit. A site visit is scheduled for Wednesday 5/30/18 at 5:45 p.m.

**Vote:** To continue the matter to the 6/12/18 meeting.

Motion: Mr. Gang

Second: Mr. Lumsden

Actual Vote: 5-0

**VII. Reconvene Regular Meeting** (Mr. Gang)

**VIII. Old/New Business**

**105 Beach Street:** Jim and Elaine Conway, homeowners, presented. In 2004 a pier was built at their home and due to the recent storm it is now gone. The Harbormaster found it and it is currently anchored in the harbor. They have a contractor who can re-set the piles and put the pier back. Pictures were distributed. Ms. Bertoni informed the Conways that the pier is not on the Harbormaster's list of permitted piers. The Conways thought it was. Ms. Bertoni informed the Commissioners that there is an Order of Conditions from 2004 with approval to construct a pier however the Harbormaster did not receive the Chapter 91 license/permit. Ms. Bertoni informs the Conways that their contractor need to submit a letter as to what he wants to do then she'll have enough information as to how to proceed.

**12 Sea Street:** Brian Harvey, homeowner, in attendance to give a progress report. The As-Built Plan is done. Mr. Harvey passed out small copies of the plan and he will get larger copies to Ms. Bertoni. Nancy Rendall, wetlands specialist, is happy with the new growth where the wood chips were put down according to Mr. Harvey. As to the Enforcement Order, the DEP sign is back up, the parking area was eliminated, and extra dogwood and maple trees were planted. Ms. Bertoni informs the Commissioners that the flags have been removed so she had to estimate the extent of the wetlands. Nancy Rendall will confirm the restoration area. She is currently working on wetland report and should have something by 6/12/18. Mr. Harvey informed the Commission that the configuration of the driveway had been slightly changed. The width is the same although slightly off in spots. The box culvert and the house are where they are designed to be. The garage was flipped to the other side. The walkout is not on the original plan.

**63 Raymond Street:** Ms. Bertoni informs the Commission the planting plan is being implemented. The sand has been removed from the driveway and stockpiled. Ms. Bertoni was on site and has been in contact with Mary Rimmer. The Eastern Red Cedars did not have a specific location on the planting plan. The owner chose to put in large Red Cedars to act as site buffer to abutters on either side. It affects the abutter across the street by blocking their view. As a Commission we don't have jurisdiction over height.

**18 Ledgewood Road:** This is an ongoing Enforcement Order due to mitigation plantings. A letter and photos have been sent from homeowner.

**31 Proctor Street:** Ms. Bertoni issued a letter permit for a hazard tree to be removed right on sea wall.

**1 Proctor Street:** Ms. Bertoni informed the homeowners that they needed to file a Request for Determination of Applicability to have 5 trees removed.

**Notary Process:** There is a new process with the Town Clerk. One person will not sign the night of the meeting but will come back to sign in front of her. The Commissioners decided to take turns on who will be the one to sign in front of the Town Clerk.

**67R Raymond Street:** Ms. Bertoni gave a letter permit to remove a hazard tree that came down during the storm. The fence in that area was also repaired. Be advised however that the property line is in dispute with the Town.

**7 Norton's Point:** A tentative waterway license has been issued for this property.

### **IX. Orders of Conditions:**

**12 Jersey Lane:** Commissioners discuss standard conditions. This filing will go forward without restoration of the resource with the agreement that they will come back with a filing amendment or otherwise. They would like the privet hedge flagged for protection.

**Vote:** To issue and Order of Conditions with conditions.

Motion: Mr. Jaworski

Second: Mr. Gang

Actual Vote: 5-0

### **Adjournment:**

There being no further business, a motion was made by Mr. Gang to adjourn the meeting at 9:50 pm. This motion was seconded by Mr. Jaworski and voted in favor 5-0.

Submitted by,

Eva Palmer